

**Memorandum**

**Florida Department of  
Environmental Protection**

---

TO: District Waste Program Administrators  
District Solid Waste Engineers

FROM: Richard B. Tedder, P.E. Administrator  
Solid Waste Section

Chris McGuire, Senior Assistant General Counsel  
Office of General Counsel

DATE: April 4, 2002

SUBJECT: Side Slopes at Construction and Demolition Debris Disposal Sites  
Memo # SWM-19.16

---

Rule 62-701.730(7)(b), F.A.C., which sets out the operation requirements for C&D disposal facilities, states:

(b) Construction and demolition debris shall be compacted and sloped as necessary to assure that the requirements of subsection (9) of this section can be met. A schedule for compaction and grading shall be included in the operation plan.

Rule 62-701.730(9), F.A.C., provides closure requirements for C&D disposal facilities. Paragraph (9)(b) provides in part:

(b) Final cover and seeding or planting of vegetative cover shall be placed on each disposal unit within 180 days after it has reached its final grade. Final cover shall consist of a 24-inch-thick soil layer, the upper six inches of which shall be capable of supporting vegetation, and shall be graded and compacted as necessary to eliminate ponding, promote drainage, and minimize erosion. The side slopes of all above-grade disposal units shall be no greater than three feet horizontal to one foot vertical rise.

These rules do not require that C&D facilities maintain 3:1 side slopes at all times during their active lives. As long as the operation plan includes a schedule and explanation for what slopes will be maintained and how the operator will assure that the closure requirements can all be met in a timely manner, and assuming that this operation plan otherwise meets all rule requirements, the side slopes may be steeper than 3:1. Of course, permit review staff should give this part of the operation plan at least the same degree of scrutiny as they do all other parts of a permit application. Experience has shown that a facility which maintains steep side slopes and has little room to expand laterally will often have a very difficult time regrading and compacting the waste so that closure can be completed within 180 days. In addition, the closure

MEMORANDUM

April 4, 2002

Page 2 of 2

cost estimate, which must be based on "the time period in the landfill operation when the extent and manner of its operation make closing most expensive" should specifically include the costs of sloping and compacting the waste, even if closure has to occur during the active life of the facility.

If a facility does not include specific provisions in the operation plan for demonstrating how the facility will be sloped and compacted at closure, you should presume that the permittee intended to maintain side slopes no steeper than 3:1 during the active life of the facility, and that the waste would be compacted and sloped to meet the closure requirements on an ongoing basis. In other words, if an inspection reveals side slopes steeper than 3:1, and the operation plan does not contain a specific explanation of what slopes should be maintained and how the operator will meet the closure requirements in a timely manner, this would constitute a violation of Rule 62-701.730(7)(b), F.A.C.

Caveat

This guidance memorandum does not constitute policy or rule of the Department. It is intended solely as internal guidance to District permit review staff, and is not intended to create additional requirements for the regulated community or to affect the rights of substantially affected parties to any agency decision. Please do not cite any part of this memorandum as though it were a standard, rule, or requirement.